

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD L. PIERCE, JANNA M. PIERCE,

Defendants.

**4:12CR3037**

**MEMORANDUM AND ORDER**

The parties have moved to remove this case from Judge Gerrard's trial calendar. (Filing No. 28). As explained by counsel, the parties believe this case can and will be resolved without trial provided the defendants are afforded 60 days to carry out the terms of their agreement with the government. Based on the parties' representations, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) The parties' oral motion, (filing no. 28), is granted.
- 2) **As to both defendants**, and the trial of this case, previously scheduled for October 23, 2012, is removed from Judge Gerrard's trial calendar.
- 3) Unless the case has already been dismissed, a status conference will be held before the undersigned magistrate judge on December 20, 2012 at 2:30 p.m. in Courtroom 2, Federal Building, 100 Centennial Mall North, Lincoln, Nebraska to determine whether this case must set for trial. The defendants, their counsel and counsel for the government shall attend the hearing.
- 4) For the reasons explained by the parties, the court finds the ends of justice served by granting the parties' request to remove this case from the trial docket outweigh the interests of the public and the defendants in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and December 20, 2012, shall be deemed excluded in any computation of time under the requirements of the Speedy Trial Act. 18 U.S.C. § 3161(h)(7).

October 19, 2012.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge